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Department.



Statutory Rules 1988 No. *1*

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## Extradition Regulations

I, THE GOVERNOR-GENERAL of the Commonwealth of Australia, acting with the advice of the Federal Executive Council and pursuant to section 4 of the *Acts Interpretation Act 1901*, hereby make the following Regulations under the *Extradition Act 1988*.

Dated *24 November* 1988.

M. M. STEPHEN

Governor-General

By His Excellency's Command,

*Michael Bower*  
Attorney-General

### Citation

1. These Regulations may be cited as the Extradition Regulations.

### Interpretation

2. In these Regulations, unless the contrary intention appears: "the Act" means the *Extradition Act 1988*.

### Forms

3. (1) A form in the Schedule shall be taken to be the statutory form under, or a form otherwise prescribed for the purposes of, a provision of the Act specified in the heading to that form, whether or not these Regulations make provision (other than in the Schedule) in respect of the use of the form.

(2) In these Regulations, a reference to a form by number is a reference to the form in the Schedule that bears that number.

**Power of magistrate to send for witnesses and documents**

4. (1) A magistrate who is performing functions under the Act may issue a summons in accordance with Form 1 requiring a person named in the summons to attend as a witness before the magistrate in connection with the performance by the magistrate of those functions and there to give evidence, answer questions and produce to the magistrate such documents and other articles in the person's custody or control as are referred to in the summons.

(2) Service on a person of a summons under this regulation may be effected in any State or Territory and shall be effected by delivering a copy of the summons to the person personally and, at the same time, showing the summons to the person.

**Duty of witness to continue in attendance**

5. A person summoned under regulation 4 to attend before a magistrate as a witness shall attend at the place and time, and on the date, specified in the summons and then from day to day unless excused or released from attending by a magistrate.

**Arrest of witness failing to attend**

6. (1) If a person summoned under regulation 4 to attend before a magistrate fails to attend as required by regulation 5, the magistrate may, on being satisfied that the summons has been duly served and that a reasonable sum for the expenses of attendance has been paid or tendered to that person, issue a warrant for the arrest of that person in accordance with Form 2.

(2) A person named in the warrant may, under the warrant, be arrested, brought before a magistrate and detained in custody until released by order of the magistrate.

(3) The warrant may be executed in any State or Territory.

(4) The arrest of a person under this regulation does not relieve the person from any liability incurred by the person because of his or her failure to attend before the magistrate.

**Witness fees**

7. (1) A person who attends as a witness before a magistrate in a State or Territory in accordance with a summons under regulation 4 is entitled to be paid witness fees and travelling allowances as if attending before a court of summary jurisdiction in that State or Territory or, in special circumstances, such fees and allowances as the magistrate directs.

(2) Fees and allowances are payable to a witness in accordance with subregulation (1) subject to the deduction of any amount previously paid to the witness for expenses of attendance.

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(3) Fees and allowances are payable by the person at whose request the witness was summoned.

**Power to examine on oath or affirmation**

8. (1) A magistrate performing functions under the Act may administer an oath or affirmation to any person appearing as a witness before the magistrate and may examine the witness on oath or affirmation.

(2) A person may, for the purposes of any proceeding in relation to the Act, make an affirmation instead of taking an oath.

(3) Subject to any rules of court applicable to a proceeding in relation to the Act, the forms of oaths and affirmations shall be the same, as nearly as practicable, as those used in the Supreme Court of the State or Territory in which the oath or affirmation is administered.

(4) An affirmation made by a person pursuant to this regulation has the same effect for all purposes as if the person had taken an oath.

**Offences by witnesses**

9. A person summoned to attend before a magistrate as a witness shall not:

- (a) without reasonable excuse, fail to attend as required by the summons, after payment or tender of a reasonable sum for expenses of attendance;
- (b) refuse to be sworn or to make an affirmation as a witness or, without reasonable excuse, to answer any question when required to do so by the magistrate; or
- (c) without reasonable excuse, refuse or fail to produce any document or other article that the person was required to produce by the summons.

Penalty: \$500.

**Offences in relation to magistrates**

10. A person shall not, when a magistrate is performing functions under the Act:

- (a) wilfully insult or disturb the magistrate;
- (b) interrupt the proceedings before the magistrate;
- (c) use insulting language to the magistrate; or
- (d) by writing or speech use words calculated:
  - (i) to influence improperly the magistrate or a witness before the magistrate; or
  - (ii) to bring the magistrate into disrepute.

Penalty: \$1,000.

**Protection in relation to functions under the Act**

11. (1) A magistrate who performs functions under the Act in a State or Territory has the same protection and immunity as a judge of the Supreme Court of that State or Territory has in the performance of his or her duty as a judge of the Supreme Court.

(2) A barrister or solicitor appearing before a magistrate in a State or Territory in connection with the performance by the magistrate of functions under the Act has the same protection and immunity as a barrister or solicitor, as the case may be, has in appearing for a party in proceedings in the Supreme Court of that State or Territory.

(3) Where a person who is not represented by a barrister or solicitor appears before a magistrate in a State or Territory in connection with the performance by the magistrate of functions under the Act, the person has the same protection and immunity as a party to proceedings in the Supreme Court of the State or Territory has in appearing before that Court when not so represented.

(4) A witness summoned to attend or appearing before a magistrate who performs functions under the Act in a State or Territory has the same protection as a witness in proceedings in the Supreme Court of that State or Territory.

**Forfeiture of recognizance**

12. (1) Where a magistrate in, or a judge of the Supreme Court of, a State or Territory is satisfied that a person admitted to bail in that State or Territory in relation to a proceeding under the Act has failed to comply with the conditions of the recognizance on which bail was granted, the magistrate or judge may, by order, declare the recognizance to be forfeited.

(2) Where a magistrate or judge declares a recognizance to be forfeited, payment of any sum due under the recognizance by a person residing in the State or Territory in which the recognizance was so declared to be forfeited may be enforced as a fine imposed by a court having jurisdiction in that State or Territory.

(3) An amount recovered pursuant to this section shall be transmitted to the Attorney-General of the Commonwealth.

**Warrant of arrest—non-compliance with bail conditions**

13. (1) If a person who has been remanded on bail under subsection 15 (2) or (5) of the Act refuses or fails to comply with a condition of the recognizance on which bail was granted, a magistrate may issue a warrant in accordance with Form 3 for the arrest of the person by a police officer and for bringing him or her before a magistrate in the State or Territory in which he or she is arrested.

(2) Where a magistrate believes, on reasonable grounds, that a person who has been remanded on bail under subsection 15 (2) or (5) of the Act

is about to, or is preparing to, contravene a condition of the recognizance on which bail was granted, the magistrate may issue a warrant in accordance with Form 3 for the arrest of the person by a police officer and for bringing him or her before a magistrate in the State or Territory in which he or she is arrested.

(3) Where a person who has been remanded on bail under subsection 15 (2) of the Act is arrested and brought before a magistrate under subregulation (1) or (2), the provisions of section 15 of the Act apply to the person as if he or she had been brought before a magistrate under subsection 15 (1) of the Act.

(4) In the exercise of a discretion following the arrest of a person as referred to in subregulation (3), the magistrate may have regard to the circumstances of the arrest.

(5) The arrest of a person by a police officer under subregulation (1) or (2) shall not be taken to be wrongful by reason only that the warrant authorising that arrest was not in the possession of that police officer when the arrest was made.

**Warrant—transport of person through Australia**

14. A warrant issued by a magistrate under subparagraph 48 (1) (b) (iii) of the Act in relation to a person being transported in custody through Australia may be in accordance with Form 28.

**Further warrant—transport of person through Australia**

15. A warrant issued by a magistrate under subparagraph 48 (1) (b) (iv) of the Act on the authorisation of the Attorney-General may be in accordance with Form 29.

**SCHEDULE**

Regulation 4

**FORM 1**

**COMMONWEALTH OF AUSTRALIA**

*Extradition Act 1988*

**SUMMONS**

In the Matter of proceedings relating to  
under the *Extradition Act 1988*.

To: *(name and address of witness)*.

YOU ARE HEREBY summoned under regulation 4 of the Extradition Regulations to appear at *(place, date and time)* and to attend from day to day unless you are excused or released from so attending to *\*give evidence/\*answer questions/\*and/\*to produce the following/\*documents/\*and/\*other/\*articles*;

*(specify)*

Dated 19 .

*(Signature)*

*(Description)*

\* Omit if not applicable.

## SCHEDULE—continued

NOTE: If a person who has been served with a summons under the Extradition Regulations and has been paid or tendered a reasonable sum for his or her expenses then fails to attend as required by the summons, the person:

- (a) is guilty of an offence and is liable, on conviction, to a fine not exceeding \$500; and
- (b) is liable without further notice to be arrested and brought before a magistrate.

FORM 2

Regulation 6

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## WARRANT OF ARREST

To all police officers within the meaning of the *Extradition Act 1988*.

## WHEREAS:

- (a) (*name and address of witness*) was summoned to attend before me, a magistrate within the meaning of the *Extradition Act 1988*,\* being a magistrate in respect of whom an arrangement is in force under section 46 of that Act, / as a witness on 19 , and then from day to day unless excused or released from so attending;
- (b) the witness has failed to attend on 19 as required by the summons; and
- (c) I am satisfied that the summons was duly served on the witness and that a reasonable sum for \*his/\*her/attendance was \*paid/\*tendered/to the witness;

NOW THEREFORE I, (*name and designation of magistrate*), under regulation 6 of the Extradition Regulations, authorise and request you to arrest the witness in any State or Territory of the Commonwealth and to bring the witness before me to \*give evidence/\*answer questions/\*and/\*produce/\*documents/\*and/\*other/\*articles/as required by the summons, and to detain the witness in custody for that purpose.

Dated 19 .

(*Signature and designation of magistrate  
issuing warrant*)

\* Omit if not applicable.

FORM 3

Regulation 13

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*WARRANT OF ARREST—  
NON-COMPLIANCE WITH BAIL CONDITIONS

To all police officers within the meaning of the *Extradition Act 1988*.

## WHEREAS:

- (a) (*insert name of person*) was arrested under a warrant under subsection 12 (1) of the *Extradition Act 1988* and brought as soon as practicable before a

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SCHEDULE—continued

magistrate in (*insert name of State or Territory*), being the \*State/\*Territory/  
in which † was arrested:

(b) † was remanded by a magistrate on bail for (*specify period or periods*), being such \*period/\*s as may be necessary for proceedings under \*section 18/\*section 19/\*sections 18 and 19/ of that Act to be conducted:

\*(c) † has \*refused/\*failed/ to comply with the following condition/\*s of the recognizance on which bail was granted:  
(*specify condition or conditions*):

\*(d) I believe, on the following grounds:  
(*specify grounds*)

that † \*is about to/\*is preparing to/contravene the following condition/\*s of the recognizance on which bail was granted:  
(*specify condition or conditions*):

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under regulation 13 of the Extradition Regulations, hereby authorise and request you to arrest † in any State or Territory of the Commonwealth and to bring \*him/\*her/, as soon as practicable, before a magistrate in the State or Territory in which \*he/\*she/ is arrested to be dealt with according to law.

Dated 19 .

(*Signature and designation of magistrate issuing warrant*)

\* Omit if not applicable.

† Insert name of person.

FORM 4

Subsection 12 (1)  
Regulation 3

COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

APPLICATION UNDER SUBSECTION 12 (1) FOR PROVISIONAL ARREST WARRANT

To (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*.

I, , of , apply under subsection 12 (1) of the *Extradition Act 1988* on behalf of (*insert name of country*), an extradition country, for the issue of a warrant under that subsection for the arrest of (*insert name of person*).

The affidavit annexed to this application and marked ..... sets out information that (*insert name of person*) is an extraditable person for the purposes of that Act in relation to that extradition country.

Dated 19 .

(*Signature and designation of applicant*)

## SCHEDULE —continued

FORM 5

Subsection 12 (1)  
Regulation 3COMMONWEALTH OF AUSTRALIA  
*Extradition Act 1988*

## WARRANT FOR ARREST UNDER SUBSECTION 12 (1)

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) an application has been made to me, in the statutory form, on behalf of (*insert name of country*), an extradition country, for the issue of a warrant for the arrest of (*insert name of person*); and
- (b) I am satisfied, on the basis of information given by the affidavit annexed to that application and marked ..... that † is an extraditable person for the purposes of the *Extradition Act 1988* in relation to that extradition country;

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under subsection 12 (1) of that Act, hereby authorise and request you to arrest † and to bring \*him/\*her/, as soon as practicable, before a magistrate in the \*State/\*Territory/in which \*he/\*she/is arrested to be dealt with according to law.

Dated 19 .

*(Signature and designation of magistrate  
issuing warrant)*

\* Omit if not applicable.

† Insert name of person.

FORM 6

Subsection 12 (3)  
Regulation 3COMMONWEALTH OF AUSTRALIA  
*Extradition Act 1988*NOTICE UNDER SUBSECTION 12 (3) DIRECTING MAGISTRATE TO  
CANCEL WARRANTTo (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*.

WHEREAS:

- \* (a) I have received:
  - (i) a report from a magistrate under subsection 12 (2) of the *Extradition Act 1988* stating that the magistrate has issued a warrant under subsection 12 (1) of that Act for the arrest of (*insert name of person*); and
  - (ii) with that report, a copy of the affidavit annexed to the application for the warrant giving information that † is an extraditable person for the purposes of that Act in relation to (*insert name of country*), an extradition country;
- \* (a) I have become aware of the issue of a warrant by a magistrate under subsection 12 (1) of the *Extradition Act 1988* for the arrest of † in relation to information that \*he/\*she/is an extraditable person for the purposes of that Act in relation to (*insert name of country*), an extradition country;
- (b) † has not been arrested under that warrant;
- \* (c) I have decided not to issue a notice under subsection 16 (1) of that Act in relation to † ;
- \* (c) I consider that the warrant should be cancelled;



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**SCHEDULE** ---continued

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 12 (3) of the *Extradition Act 1988*, hereby direct you to cancel the warrant.

Dated 19 . . . . .

Attorney-General

\* Omit if not applicable.

† Insert name of person.

FORM 7

Subsection 14 (1)  
Regulation 3

COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

WARRANT UNDER SUBSECTION 14 (1) IN RELATION TO  
\*SEARCH/\*AND/\*SEIZURE

To \_\_\_\_\_, a police officer within the meaning of the *Extradition Act 1988*.

WHEREAS:

(a) I have been informed by affidavit that there are reasonable grounds for suspecting that there may be in (*specify place*) a thing, namely, (*insert description of thing*):

\* that may be material as evidence in proving the offence/\*s of †

\* in relation to which a provisional arrest warrant for the arrest of (*insert name of person*) was issued as follows:

(*give details of warrant*);

\* for which the surrender of (*insert name of person*) is sought by (*insert name of country*), an extradition country;

\* that has been acquired by (*insert name of person*) as a result of the offence/\*s of †

\* in relation to which a provisional arrest warrant for the arrest of (*insert name of person*) was issued as follows:

(*give details of warrant*);

\* for which the surrender of (*insert name of person*) is sought by (*insert name of country*), an extradition country;

(b) the affidavit sets out those grounds;

\*(ba) there has been given to me by affidavit such further information as I require concerning the grounds on which the issue of the warrant is being sought;

(c) I am satisfied that there are reasonable grounds for issuing the warrant;

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under subsection 14 (1) of that Act, hereby authorise you, a police officer, for the purpose of (*state purpose for issue of warrant*) in relation to the abovementioned offence/\*s of † \_\_\_\_\_, with such assistance, and by such force, as is necessary and reasonable:

\* between the hours of \_\_\_\_\_ and \_\_\_\_\_,

\* at any time of the day or night,

\* to seize any thing of the following kind: ‡ \_\_\_\_\_;

\* to enter \*upon/\*into/(*specify place*) and to seize any thing of the following kind: ‡ \_\_\_\_\_;

## SCHEDULE—continued

\* to enter \*upon/\*into/(*specify place*), to search that place for any thing of the following kind: ‡ ; and to seize any thing of that kind found in that place.

THIS WARRANT ceases to have effect on (*insert date not being later than one month after the issue of the warrant*).

Issued on 19 .

(*Signature and designation of magistrate issuing warrant*)

\* Omit if not applicable.

† Insert reference to nature of offence or offences

‡ Insert description of kind of things authorised to be seized.

FORM 8

Subsection 15 (4)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## WARRANT UNDER SUBSECTION 15 (4) IN RELATION TO TRANSFER OF PERSON ON REMAND

To a magistrate within the meaning of the *Extradition Act 1988*.

## WHEREAS:

(a) (*insert name of person*), a person arrested under a warrant under subsection 12 (1) of the *Extradition Act 1988*, has been remanded by a magistrate in (*specify State or Territory*) under subsection 15 (2) of that Act:

\* in custody at (*specify place*);

\* at (*specify place*) and has been granted bail on the following recognizances: (*specify recognizances*);

(b) it is expedient that † be transferred to (*specify State or Territory*) for the purposes of proceedings under \*section 18/ \*section 19/ \*sections 18 and 19/ of that Act;

NOW THEREFORE I, , Attorney-General of the Commonwealth of Australia, under subsection 15 (4) of the *Extradition Act 1988*:

(c) direct you to order:

\* the release of the abovementioned † into the custody of (*insert name of police officer*), a police officer; and

\* the discharge of those recognizances on which bail was granted to (*insert name of person*); and

(d) authorise (*insert name of police officer*), a police officer, to take the abovementioned † in custody to appear before a magistrate in (*specify State or Territory*).

Dated 19 .

Attorney-General

\* Omit if not applicable.

† Insert name of person.

## SCHEDULE—continued

## FORM 9

Subsection 16 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*NOTICE UNDER SUBSECTION 16 (1) IN RELATION TO RECEIPT OF  
EXTRADITION REQUEST

To a magistrate before whom the person named in this notice is brought.

## WHEREAS:

- (a) in respect of an extradition request (*identify request*) from (*insert name of country*), an extradition country, in relation to (*insert name of person*), I am of the opinion:
- (i) that † is an extraditable person for the purposes of the *Extradition Act 1988* in relation to that country; and
  - (ii) that, if \*the conduct/\*conduct equivalent to the conduct/of † constituting the following extradition offence/\*s, namely (*specify offence or offences*) for which surrender of † is sought, had taken place in Australia at the time at which the extradition request was received, the \*conduct/\*equivalent conduct/would have constituted \*an extradition offence/\*extradition offences/in relation to Australia; and
- (b) I am not of the opinion that there is an extradition objection in relation to the following extradition offence/\*s for which surrender of † is sought:

*(specify offence or offences):*

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 16 (1) of the *Extradition Act 1988*, hereby state that an extradition request from (*insert name of country*), an extradition country, in relation to † has been received.

Dated \_\_\_\_\_ 19 \_\_\_\_ .

Attorney-General

\* Omit if not applicable.

† Insert name of person.

## FORM 10

Subsection 17 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## NOTICE UNDER SUBSECTION 17 (1) TO ORDER RELEASE FROM REMAND

To (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*.

## WHEREAS:

- (a) (*insert name of person*), a person arrested under a warrant under subsection 12 (1) of the *Extradition Act 1988*, has been remanded by a magistrate \*in custody/\*on bail/under section 15 of that Act; and

## SCHEDULE—continued

- \* (b) I have decided not to issue a notice under subsection 16 (1) of that Act in relation to † ;
- \* (b) I consider that the remand should cease;

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 17 (1) of the *Extradition Act 1988*, hereby direct you to order:

- \* the release of † from custody.
- \* the discharge of the recognizances on which bail was granted to †

Dated 19 .

Attorney-General

\* Omit if not applicable.

† Insert name of person.

FORM 11

Subsection 18 (2)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## WARRANT UNDER SUBSECTION 18 (2) IN RELATION TO CONSENT TO BEING SURRENDERED

To all police officers within the meaning of the *Extradition Act 1988* in (*insert name of State or Territory*).

And to the person in charge of (*insert name of prison*) in (*insert name of State or Territory*).

## WHEREAS:

- (a) (*insert name of person*) is on remand under section 15 of the *Extradition Act 1988*;
- (b) the Attorney-General has given a notice under subsection 16 (1) of that Act in relation to † ;
- (c) † has informed me that \*he/\*she/consents to being surrendered to (*insert name of country*), an extradition country, in relation to the following extradition offence/\*s/\*, being all the extradition offences for which surrender of † is sought by that country:  
(*specify offence or offences*);
- (d) I have no reason to believe that the consent was not given voluntarily;
- (e) I have advised \*him/\*her/in accordance with paragraph 18 (2) (a) of that Act.
- (f) after being so advised, † has again consented to being so surrendered;

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under subsection 18 (2) of that Act, hereby order you to commit † to (*insert name of prison*) to await, in relation to \*that offence/ \*those offences/, surrender under a surrender warrant or temporary surrender warrant or release pursuant to an order under subsection 22 (5) of that Act.

Dated 19 .

(*Signature and designation of magistrate*)

\* Omit if not applicable.

† Insert name of person.

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## SCHEDULE—continued

FORM 12

Subsection 19 (9)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*WARRANT UNDER SUBSECTION 19 (9) ORDERING COMMITTAL TO  
PRISON TO AWAIT SURRENDER

To all police officers within the meaning of the *Extradition Act 1988* in *(insert name of State or Territory)*.

And to the person in charge of *(insert name of prison)* in *(insert name of State or Territory)*.

## WHEREAS:

- (a) proceedings have been conducted pursuant to subsection 19 (1) of the *Extradition Act 1988* to determine whether *(insert name of person)* is eligible for surrender in relation to the extradition offence/\*s of *(specify offence or offences)* for which the surrender of † *(insert name of country)*, an extradition country;
- (b) the supporting documents in relation to \*that offence/\* those offences/, within the meaning of subsection 19 (3) of that Act, have been produced to me;
- \* (ba) other documents have been produced to me as required by limitations, conditions, exceptions or qualifications subject to which that Act applies in relation to ‡
- (c) I am satisfied that, if the \*conduct/\*conduct equivalent to the conduct/of † constituting the offence in relation to ‡ had taken place in *(specify)*, being the part of Australia where the proceedings are being conducted and at the time at which the extradition request in relation to † was received, that \*conduct/\*equivalent conduct/would have constituted an extradition offence in relation to that part of Australia;
- (d) † does not satisfy me that there are substantial grounds for believing that there is an extradition objection in relation to the following offence/\*s for which \*his/\*her/surrender is sought:  
*(specify offence or offences)*;
- (e) having determined that † is eligible for surrender to ‡ in relation to the extradition offence/\*s of *(insert description of offence or offences)*;

NOW THEREFORE I, *(name and designation of magistrate)*, a magistrate within the meaning of the *Extradition Act 1988*, under subsection 19 (9) of that Act, hereby order you to commit † to *(insert name of prison)* to await, in relation to \*that offence/\*those offences/, surrender under a surrender warrant or temporary surrender warrant or release pursuant to an order under subsection 22 (5) of that Act.

Dated 19 .

*(Signature and designation of magistrate  
issuing warrant)*

\* Omit if not applicable.

† Insert name of person.

‡ Insert name of extradition country.

## SCHEDULE—continued

FORM 13

Section 23  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## SURRENDER WARRANT UNDER SECTION 23

To the person in whose custody † is being held.

WHEREAS, in relation to an extradition request by (*insert name of country*), an extradition country, for the surrender of (*insert name of person*), an eligible person within the meaning of section 22 of the *Extradition Act 1988*, to that country in relation to the extradition offence/\*s of (*specify offence or offences*), being \* a qualifying extradition offence/ \* qualifying extradition offences/ within the meaning of that section:

- (a) I am satisfied that there is no extradition objection in relation to the following offence/\*s:  
(*specify offence or offences*);
- (b) I am satisfied that, on surrender to ‡, † will not be subjected to torture;
- \* (ba) in relation to any of those offences that \*is/ \*are/ punishable by death, by virtue of an undertaking given by ‡ to Australia:  
\* † will not be tried for the offence/\*s; \*or  
\* if † is tried for the offence/\*s, the death penalty will not be imposed on \*him/\*her/; \*or  
\* if the death penalty \*is/\*was/ imposed on †, it will not be carried out;
- (c) ‡ has given a speciality assurance in relation to † ;
- \* (ca) because of section 11, the *Extradition Act 1988* applies in relation to † subject to a limitation, condition, qualification or exemption that has the effect that:  
\* surrender of † in relation to the offence/\*s shall be refused in certain circumstances—and I am satisfied that the circumstances do not exist;  
\* surrender of † in relation to the offence/\*s may be refused in certain circumstances and I am satisfied:  
\* that the circumstances do not exist;  
\* that the circumstances exist but that nevertheless surrender of † in relation to the offence/\*s should not be refused;
- (d) I consider, in my discretion, that † should be surrendered in relation to the offence/\*s;
- (e) I have determined, under subsection 22 (2) of the *Extradition Act 1988*, that † is to be surrendered to ‡ in relation to the abovementioned offence/\*s of (*specify offence or offences*);
- NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under section 23 of that Act, hereby:
- (f) require you, the person in whose custody † is being held, to release \*him/\*her/into the custody of a police officer;
- (g) authorise that police officer to transport † in custody, and if necessary or convenient, to detain \*him/\*her/in custody, for the purpose of enabling \*him/\*her/to be placed in the custody of (*insert name of person*) and transported out of Australia; and
- (h) authorise (*insert name of person*) to transport † in custody out of Australia to a place in ‡ for the purpose of surrendering \*him/\*her/to a person appointed by that country to receive †

## SCHEDULE --continued

Dated 19 .

Attorney-General

\* Omit if not applicable.

† Insert name of person in custody.

‡ Insert name of extradition country.

FORM 14

Subsection 24 (1)  
Regulation 3

## TEMPORARY SURRENDER WARRANT UNDER SUBSECTION 24 (1)

To the person in whose custody † is being held.

WHEREAS, in relation to an extradition request by (*insert name of country*), an extradition country, for the surrender of (*insert name of person*), an eligible person within the meaning of section 22 of the *Extradition Act 1988*, to that country in relation to the extradition offence/\*s of (*specify offence or offences*), being \*a qualifying extradition offence/\*qualifying extradition offences/within the meaning of that section:

- (a) I am satisfied that there is no extradition objection in relation to the following offence/\*s:  
(*specify offence or offences*);
- (b) I am satisfied that, on surrender to ‡, † will not be subjected to torture;
- \*(ba) in relation to \*that offence\*/any of those offences that \*is/\*are: punishable by death, by virtue of an undertaking given by ‡ to Australia:  
\* † will not be tried for the offence; \*or  
\* if † is tried for the offence, the death penalty will not be imposed on \*him/\*her/; \*or  
\* if the death penalty \*is/\*was/ imposed on †, it will not be carried out;
- (c) ‡ has given a speciality assurance in relation to † ;
- \*(ca) because of section 11, the *Extradition Act 1988* applies in relation to † subject to a limitation, condition, qualification or exemption that has the effect that:  
\* surrender of † in relation to the offence/\*s shall be refused in certain circumstances --and I am satisfied that the circumstances do not exist;  
\* surrender of † in relation to the offence/\*s may be refused in certain circumstances --and I am satisfied:  
\* that the circumstances do not exist;  
\* that the circumstances exist but that nevertheless surrender of † in relation to the offence/\*s should not be refused;
- (d) I consider, in my discretion, that † should be surrendered in relation to the offence/\*s;
- (e) I have determined, under subsection 22 (2) of the *Extradition Act 1988* that † is to be surrendered to ‡ in relation to the abovementioned offence/\*s of (*specify offence or offences*);
- (f) † is serving \*a sentence/\*sentences/of imprisonment in respect of \*an offence/\*offences/against a law of Australia;
- (g) the offence/\*s to which the abovementioned extradition request relates \*is an offence/\*are offences/of which † is accused;
- (h) I am satisfied that:

## SCHEDULE—continued

- (i) it is in the interests of the administration of justice that a warrant under subsection 24 (1) of that Act be issued instead of a warrant under section 23 of that Act; and
- (ii) ‡ has given adequate undertakings to me in relation to:
- (A) the trial of † in ‡ for the offence/\*s of which \*he/\*she/ is accused;
- (B) the return of † to Australia;
- (C) the custody of † while travelling to and from, and while in, ‡ ;
- \* (i) in relation to the offence/\*s of (*insert description of offence or offences*) being \*an offence/\*offences/against the law of (*State, Northern Territory or Norfolk Island*):
- (i) I am satisfied that the law of that \*State/\*Territory/:
- (A) would permit the release of † for the purpose of surrender to (*insert name of country*) under a temporary surrender warrant; and
- (B) would, if \*he/\*she/ were surrendered to that extradition country under such a warrant, permit the time spent by \*him/\*her/ in custody in connection with the warrant (including time spent in custody outside Australia) to be counted towards the sentence/\*s in respect of the offence/\*s; and
- (ii) consent to the surrender of † to that extradition country under such a warrant has been given to me by:
- \* the appropriate Minister of the Crown of (*insert name of State*);
  - \* the appropriate Minister of the Northern Territory;
  - \* the Administrator of Norfolk Island;

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 24 (1) of that Act, hereby:

- (j) require you, the person in whose custody † is being held, to release \*him/\*her/ into the custody of a police officer;
- (k) authorise that police officer to transport † in custody, and if necessary or convenient, to detain \*him/\*her/ in custody, for the purpose of enabling \*him/\*her/ to be placed in the custody of (*insert name of person*) and transported out of Australia; and
- (l) authorise (*insert name of person*) to transport † in custody out of Australia to a place in ‡ for the purpose of surrendering \*him/\*her/ to a person appointed by that country to receive †

Dated \_\_\_\_\_ 19 \_\_\_\_ .

Attorney-General

\* Omit it not applicable.

† *Insert name of person in custody.*

‡ *Insert name of extradition country.*



SCHEDULE—continued  
FORM 15

Subsection 25 (1)  
Regulation 3

COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

WARRANT UNDER SUBSECTION 25 (1) FOR SURRENDER TO  
EXTRADITION COUNTRY

To the person in whose custody † is being held,

WHEREAS:

- (a) (*insert name of person*) was surrendered to (*insert name of country*), an extradition country, under a warrant under subsection 24 (1) of the *Extradition Act 1988*;
- (b) † has been returned to Australia in pursuance of undertakings referred to in subparagraph 24 (1) (d) (ii) of that Act;
- (c) ‡ still seeks the surrender of † for the following surrender offence/\*s:  
(*specify offence or offences*);
- (d) by virtue of:
- \* a provision of the law of ‡ ;
  - \* a provision of an extradition treaty in relation to ‡ ;
  - \* an undertaking given by ‡ to Australia:
- †, if surrendered to ‡, will not, unless \*he/\*she has left or had the opportunity of leaving that country:
- (i) be detained or tried in that country for any offence that is alleged to have been committed, or was committed, before \*his/\*her/surrender under the warrant under subsection 24 (1) of the *Extradition Act 1988*, other than any offence to which subparagraph 22 (4) (d) (i), (ii) or (iii) of that Act applies; or
  - (ii) be detained in that country for the purpose of being surrendered to another country for trial or punishment for any offence that is alleged to have been committed, or was committed, before the person's surrender to the first-mentioned country under the warrant under subsection 24 (1) of that Act, other than any offence in respect of which I consent to † being so detained and surrendered;
- \*(da) in relation to \*that offence/\* any of those offences/ that \*is/\*are/ punishable by death, by virtue of an undertaking given by ‡ to Australia:
- \* † will not be tried for the offence: \*or
  - \* if † is tried for the offence, the death penalty will not be imposed on \*him/\*her/: \*or
  - \* if the death penalty \*is/\*was/ imposed on †, it will not be carried out;

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 25 (1) of the *Extradition Act 1988*, hereby:

- (e) require you, the person in whose custody † is being held, to release \*him/\*her/into the custody of a police officer;
- (f) authorise that police officer to transport † in custody, and if necessary or convenient, to detain \*him/\*her/in custody, for the purpose of enabling \*him/\*her/to be placed in the custody of (*insert name of person*) and transported out of Australia; and
- (g) authorise (*insert name of person*) to transport † in custody out of Australia to a place in ‡ for the purpose of surrendering \*him/\*her/to a person appointed by that country to receive †

*280/*

SCHEDULE—continued

Dated

19

Attorney-General

\* Omit if not applicable.

† Insert name of person in custody.

‡ Insert name of extradition country.

FORM 16

Section 28  
Regulation 3

COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

APPLICATION UNDER SECTION 28 FOR ENDORSEMENT OF  
NEW ZEALAND WARRANT

To *(name and designation of magistrate)*, a magistrate within the meaning of the *Extradition Act 1988*.

I, \_\_\_\_\_, of \_\_\_\_\_, apply under section 28 of the *Extradition Act 1988* on behalf of New Zealand for the indorsement of the New Zealand warrant annexed to this application and marked \_\_\_\_\_, being a warrant for the arrest of *(insert name of person)*. The affidavit annexed to this application and marked \_\_\_\_\_ sets out information that *(insert name of person)*, for whose arrest the warrant is in force, is, or is suspected of being, in or on \*his/\*her/ way to Australia.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

*(Signature and designation of applicant)*

FORM 17

Section 28  
Regulation 3

COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

ENDORSEMENT OF NEW ZEALAND WARRANT UNDER SECTION 28  
AUTHORISING EXECUTION OF WARRANT IN AUSTRALIA

To all police officers within the meaning of the *Extradition Act 1988*.

I, *(name and designation of magistrate)*, a magistrate within the meaning of the *Extradition Act 1988*, under section 28 of that Act, hereby authorise and request you to arrest *(insert name of person)*, being the person named in the New Zealand warrant to which this endorsement relates, in any State or Territory of the Commonwealth, and to bring \*him/\*her/, as soon as practicable, before a magistrate in the State or Territory in which \*he/\*she/is arrested to be dealt with according to law.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

*(Signature and designation of magistrate)*

\* Omit if not applicable.

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SCHEDULE—continued

FORM 18

Section 29  
Regulation 3

Extradition Act 1988

APPLICATION UNDER SECTION 29 FOR PROVISIONAL ARREST WARRANT

To (name and designation of magistrate), a magistrate within the meaning of the Extradition Act 1988.

I, \_\_\_\_\_, of \_\_\_\_\_, apply under section 29 of the Extradition Act 1988 on behalf of New Zealand for the issue of a warrant in relation to (insert name of person) under that section.

The affidavit annexed to this application and marked ..... provides information that a New Zealand warrant has been issued in relation to (insert name of person).

Dated \_\_\_\_\_ 19 \_\_\_\_\_

(Signature and designation of applicant)

\_\_\_\_\_

FORM 19

Section 29  
Regulation 3

Extradition Act 1988

PROVISIONAL ARREST WARRANT UNDER SECTION 29

To all police officers within the meaning of the Extradition Act 1988.

WHEREAS:

- (a) an application has been made to me under section 29 of the Extradition Act 1988, in the statutory form, on behalf of New Zealand for the issue of a warrant in relation to (insert name of person) under that section 29;
- (b) I am informed by the affidavit annexed to that application and marked ..... that a New Zealand warrant has been issued in relation to that person;
- (c) no application is before me under section 28 of that Act for the indorsement of such a warrant in relation to that person; and
- (d) I consider that the issue of a warrant in relation to + \_\_\_\_\_ under that section 29 is, having regard to such information as I consider relevant, justified in all the circumstances;

NOW THEREFORE I, (name and designation of magistrate), a magistrate within the meaning of the Extradition Act 1988, under section 29 of that Act, hereby authorise and request you to arrest + \_\_\_\_\_ and to bring \*him/\*her/, as soon as practicable, before a magistrate in the State or Territory in which \*he/\*she/is arrested to be dealt with according to law.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

(Signature and designation of magistrate issuing warrant)

\* Omit if not applicable.

+ Insert name of person.

\_\_\_\_\_

## SCHEDULE—continued

FORM 20

Subsection 31 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*WARRANT UNDER SUBSECTION 31 (1) IN RELATION TO \*SEARCH/  
\*AND/\*SEIZURETo \_\_\_\_\_, a police officer within the meaning of the *Extradition Act 1988*.

## WHEREAS:

- (a) I have been informed by affidavit that there are reasonable grounds for suspecting that there may be in (*specify place*) a thing, namely, (*insert description of thing*):
- \* that may be material as evidence in proving the offence/\*s of † in relation to which \*an indorsed New Zealand warrant/\*a provisional arrest warrant/(*identify warrant*) was issued;
  - \* that has been acquired by (*insert name of person*) as a result of the offence/\*s of † in relation to which \*an indorsed New Zealand warrant/\* a provisional arrest warrant/(*identify warrant*) was issued;
- (b) the affidavit sets out those grounds;
- \*(ba) there has been given to me by affidavit such further information as I require concerning the grounds on which the issue of the warrant is being sought;
- (c) I am satisfied that there are reasonable grounds for issuing the warrant:

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under subsection 31 (1) of that Act, hereby authorise you, a police officer, for the purpose of (*state purpose for issue of warrant*) in relation to the abovementioned offence/\*s of † \_\_\_\_\_, with such assistance, and by such force, as is necessary and reasonable:

- \* between the hours of \_\_\_\_\_ and \_\_\_\_\_,
- \* at any time of the day or night,
- \* to seize any thing of the following kind: ‡ \_\_\_\_\_;
- \* to enter \*upon/\*into/(*specify place*) and to seize any thing of the following kind: ‡ \_\_\_\_\_;
- \* to enter \*upon/\*into/(*specify place*), to search that place for any thing of the following kind: ‡ \_\_\_\_\_, and to seize any thing of that kind found in that place.

THIS WARRANT ceases to have effect on (*insert date not being later than one month after the issue of the warrant*).

Issued on \_\_\_\_\_ 19 \_\_\_\_\_.

(*Signature and designation of magistrate  
issuing warrant*)

\* Omit if not applicable.

† Insert reference to nature of offence or offences.

‡ Insert description of kind of things authorised to be seized.

## SCHEDULE --continued

FORM 21

Subsection 34 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## SURRENDER WARRANT UNDER SUBSECTION 34 (1)

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) *\*(insert name of person)* has been remanded after being arrested under an indorsed New Zealand warrant (*identify warrant*);  
*\*(insert name of person)* has been remanded after being arrested under a provisional arrest warrant (*identify warrant*) and an indorsed New Zealand warrant (*identify warrant*) has been obtained in relation to *\*him/\*her/*; and
- (b) a request has been made to me *\*by/\*on behalf of/ \*(insert name of person)/ \*New Zealand/for* proceedings to be conducted under section 34 of the *Extradition Act 1988*;

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under subsection 34 (1) of that Act, by this order:

- (c) authorise you to take † into custody, to transport *\*him/\*her/in* custody, and, if necessary or convenient, to detain *\*him/\*her/in* custody, for the purpose of enabling *\*him/\*her/to* be placed in the custody of (*specify person*) and transported out of Australia; and
- (d) authorise (*specify person*) to transport † in custody out of Australia to a place in New Zealand for the purpose of surrendering *\*him/\*her/to* a person appointed by New Zealand to receive †

Dated 19 .

*(Signature and designation of magistrate  
issuing warrant)*

\* Omit if not applicable.

† Insert name of person.

FORM 22

Subsection 34 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## WARRANT OF COMMITTAL UNDER SUBSECTION 34 (1)

To all police officers within the meaning of the *Extradition Act 1988* in (*insert name of State or Territory*).AND to the person in charge of (*insert name of prison*) in (*insert name of State or Territory*).

WHEREAS:

- (a) *\*(insert name of person)* has been remanded after being arrested under an indorsed New Zealand warrant (*identify warrant*);  
*\*(insert name of person)* has been remanded after being arrested under a provisional arrest warrant (*identify warrant*), and an indorsed New Zealand warrant (*identify warrant*) has been obtained in relation to *\*him/\*her/*;

## SCHEDULE - continued

- (b) a request has been made to me *\*by/\*on behalf of/\* (insert name of person)/ \*New Zealand/for proceedings to be conducted under section 34 of the Extradition Act 1988;*
- (c) a warrant has been issued by me under subsection 34 (1) of that Act ordering that † be surrendered to New Zealand;

NOW THEREFORE I, *(name and designation of magistrate)*, a magistrate within the meaning of the *Extradition Act 1988*, under subsection 34 (1) of that Act, hereby:

- (d) authorise and request you, police officers in *(insert name of State or Territory)* to take † to *(insert name of prison)* in *(insert name of State or Territory)* and deliver *\*him/\*her/to* the person in charge of that prison together with this warrant; and
- (e) authorise and request you, the person in charge of *(insert name of prison)* in *(insert name of State or Territory)* to receive † into your custody and keep *\*him/\*her/safely* in that prison pending the execution of the above-mentioned warrant ordering that *\*he/\*she/be* surrendered to New Zealand.

Dated 19 .

*(Signature and designation of magistrate issuing warrant)*

*\* Omit if not applicable.*

*† Insert name of person.*

FORM 23

Subsection 36 (1)  
Regulation 3

## TEMPORARY SURRENDER WARRANT UNDER SUBSECTION 36 (1)

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) a surrender warrant has been issued in relation to *(insert name of person)*:  
*\* under subsection 34 (1) of the Extradition Act 1988;*  
*\* in compliance with an order of a court under subparagraph 35 (2) (b) (ii) of the Extradition Act 1988 (including on any appeal referred to in section 35 of that Act);*
- (b) no proceedings are being conducted or available under section 35 of that Act in relation to *\*the order set out in the warrant/\*the order of the court/;*
- (c) † is serving *\*a sentence/\*sentences/of* imprisonment in relation to *\*an offence/\*offences/against* a law of Australia;
- (d) the offence/*s* in relation to which an indorsed New Zealand warrant (*identify warrant*) in relation to † was issued *\*is an offence/\*are offences/* of which *\*he/\*she/is* accused;
- (e) I am satisfied that:
- (i) it is in the interests of the administration of justice that a warrant under subsection 36 (1) of that Act should be issued; and
- (ii) New Zealand has given adequate undertakings to me in relation to:
- (A) the trial of † in New Zealand for any offence referred to in paragraph (d) of this instrument of which *\*he/\*she/is* accused;
- (B) the return of † to Australia; and
- (C) the custody of † while travelling to and from, and while in, New Zealand;

## SCHEDULE—continued

\*(ea) in relation to the offence/\*s of *(insert description of offence or offences)* being \*an offence/\*offences/against the law of *(State, Northern Territory or Norfolk Island)*:

- (i) I am satisfied that the law of that \*State/\*Territory/:
- (A) would permit the release of † for the purpose of surrender to New Zealand under a temporary surrender warrant: and
- (B) would, if \*he/\*she/were surrendered to New Zealand under such a warrant, permit the time spent by \*him/\*her/in custody in connection with the warrant (including time spent in custody outside Australia) to be counted towards the sentence/\*s in respect of the offence/\*s; and
- (ii) consent to the surrender of † to New Zealand under such a warrant has been given to me by:
- \* the appropriate Minister of the Crown of *(insert name of State)*;
  - \* the appropriate Minister of the Northern Territory;
  - \* the Administrator of Norfolk Island;

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under subsection 36 (1) of the *Extradition Act 1988*:

- (f) authorise you to take † into custody, to transport \*him/\*her/in custody and, if necessary or convenient, to detain \*him/\*her/in custody, for the purpose of enabling \*him/\*her/to be placed in the custody of *(specify person)* and transported out of Australia; and
- (g) authorise *(specify person)* to transport † in custody out of Australia to a place in New Zealand for the purpose of surrendering \*him/\*her/to a person appointed by New Zealand to receive †

Dated

19 .

Attorney-General

\* Omit if not applicable.

† Insert name of person.

FORM 24

Section 37  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

## SURRENDER WARRANT UNDER SECTION 37

To all police officers within the meaning of the *Extradition Act 1988*.

WHEREAS:

- (a) *(insert name of person)* was surrendered to New Zealand under a warrant under subsection 36 (1) of the *Extradition Act 1988*;
- (b) \*he/\*she/has been returned to Australia in pursuance of undertakings referred to in subparagraph 36 (1) (e) (ii) of that Act;
- (c) New Zealand still seeks the surrender of † for the following surrender offence/\*s:  
*(specify offence or offences)*;

## SCHEDULE—continued

NOW THEREFORE I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, under section 37 of that Act:

- (d) authorise you to take † \_\_\_\_\_ into custody, to transport \*him/\*her/ in custody and, if necessary or convenient, to detain \*him/\*her/ in custody, for the purpose of enabling \*him/\*her/ to be placed in the custody of (*specify person*) and transported out of Australia; and
- (e) authorise (*specify person*) to transport † \_\_\_\_\_ in custody out of Australia to a place in New Zealand for the purpose of surrendering \*him/\*her/ to a person appointed by New Zealand to receive † \_\_\_\_\_

Dated

19 .

Attorney-General

\* Omit if not applicable.

† Insert name of person.

## FORM 25

Subsection 43 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*NOTICE UNDER SUBSECTION 43 (1) AUTHORIZING TAKING OF  
EVIDENCE IN AUSTRALIA

I, \_\_\_\_\_, Attorney-General of the Commonwealth of Australia, suspecting that (*insert name of person*) is an extraditable person for the purposes of the *Extradition Act 1988* in relation to Australia, hereby authorise the taking of evidence in Australia for use in any proceedings for the surrender of (*insert name of person*) to Australia.

Dated

19 .

Attorney-General

## FORM 26

Subsection 43 (2)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*CERTIFICATE UNDER SUBSECTION 43 (2) IN RELATION TO TAKING OF  
EVIDENCE IN AUSTRALIA

I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*:

- (a) hereby certify under subsection 43 (2) of that Act that the evidence in writing marked . . . to which this certificate is attached is, reduced to writing, the evidence taken on \*oath/\*affirmation/\*oath or affirmation/ of

\* the witness (*insert name of witness*)

\* each witness, namely: (*insert name of each witness*)

appearing before me at (*specify place*) to give evidence in relation to proceedings, namely (*identify proceedings*), for the surrender of (*insert name of person*)



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## SCHEDULE—continued

to Australia, being evidence taken in Australia for use in those proceedings pursuant to authorisation (*identify authorisation*) by the Attorney-General of the Commonwealth of Australia under subsection 43 (1) of that Act;

- \* (b) hereby certify that the document/\*s to which this certificate is attached, being \*a document/\*documents/ forming part of evidence taken in Australia for use in the abovementioned proceedings for the surrender of (*insert name of person*) to Australia, \*is/\*are/\*the original document/\*s/\*and/\*a true copy/\*true copies/ of the document/\*s received by me as part of that evidence;
- \* (c) hereby certify that the \*article/\*s/ \*and/\*thing/\*s/\*document/\*s accompanying this certificate and labelled . . . , being \*an article/\*articles/\*and/\*a thing/\*things/ \*a document/\*documents relating to \*an article/\*articles/\* and/\*a thing/\*things/ forming part of evidence taken in Australia for use in the abovementioned proceedings for the surrender of (*insert name of person*) to Australia \*is/\*are/:
- \* the original article/\*s/\*and/ \*the original thing/\*s;
  - \* a true/\*reproduction/\*representation/\*true/\*reproductions/\*representations/ of \*the original article/\*s/\*and/ \*the original thing/\*s;
- received by me as part of that evidence.

Dated 19 .

(Signature and designation of magistrate)

\* Omit if not applicable.

FORM 27

Subsection 48 (1)  
Regulation 3

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*

APPLICATION UNDER SUBSECTION 48 (1) IN RELATION  
TO TRANSPORT IN CUSTODY THROUGH AUSTRALIA

To (*insert name and designation of magistrate*).

I, \_\_\_\_\_, of \_\_\_\_\_, on behalf of \* (*insert name of country*), an extradition country/\*New Zealand/ (in this application called "the receiving country"), hereby apply for the issue under subsection 48 (1) of the *Extradition Act 1988* of a warrant ordering (*insert name of person*) to hold in custody (*insert name of person*), being a person whom the receiving country wishes to transport in custody through Australia to be surrendered to the receiving country by (*insert name of other country*), for such period or periods as you consider necessary to facilitate the transporting of that person in custody through Australia.

Dated 19 .

(Signature and designation of applicant)

\* Omit if not applicable.

## SCHEDULE --continued

FORM 28

Regulation 14

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*WARRANT UNDER SUBSECTION 48 (1) TO HOLD IN CUSTODY PERSON  
BEING TRANSPORTED THROUGH AUSTRALIA

To the person designated to hold † \_\_\_\_\_ in custody to be transported through Australia.

## WHEREAS:

- (a) *\*(name of country)*, an extradition country/*\*New Zealand/*wishes to transport in custody through Australia (*insert name of person*), a person who is being surrendered to that country by (*name of other country*);
- (b) application has been made to me *\*by/\**on behalf of/*(insert name of country)* under subsection 48 (1) of the *Extradition Act 1988* for the issue of a warrant ordering you to hold † \_\_\_\_\_ in custody for such period or periods as I consider necessary to facilitate the transporting of that person in custody through Australia;

NOW THEREFORE I, (*name and designation of magistrate*), a magistrate within the meaning of the *Extradition Act 1988*, under subsection 48 (1) of that Act, order you, (*name of person*), to hold † \_\_\_\_\_ in your custody for (*specify period or periods*), being such period/*\*s* as I consider necessary to facilitate the transporting of that person in custody through Australia.

Dated \_\_\_\_\_ 19 \_\_\_\_\_

(*Signature and designation of magistrate issuing warrant*)

\* Omit if not applicable.

† *Insert name of person to be transported through Australia.*

FORM 29

Regulation 15

## COMMONWEALTH OF AUSTRALIA

*Extradition Act 1988*WARRANT UNDER SUBSECTION 48 (1) TO HOLD PERSON IN CUSTODY  
FOR FURTHER PERIOD

To the person designated to hold † \_\_\_\_\_ in custody for a further period to be transported through Australia.

## WHEREAS:

- (a) a warrant (*identify warrant*) has been issued by a magistrate under subsection 48 (1) of the *Extradition Act 1988* ordering (*insert name of person*) to hold (*insert name of person*) in custody for (*specify period or periods*), being such period/*\*s* as that magistrate has considered necessary to facilitate the transport of † \_\_\_\_\_ in custody through Australia for the purpose of being surrendered to *\*(insert name of country)*, an extradition country/*\*New Zealand/* by another country;
- (b) *\*(insert name of country)/\*New Zealand/*has applied to the Attorney-General of the Commonwealth of Australia to authorise a magistrate to issue a warrant ordering you to hold † \_\_\_\_\_ in custody for a further period in order to facilitate the transporting of † \_\_\_\_\_ in custody through Australia;

